

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER TODD BOUDREAU,

Defendant.

CR 22-46-M-DWM

ORDER

On July 26, 2023, a jury found defendant Christopher Todd Boudreau guilty of one count of attempted coercion and enticement and one count of possession of child pornography. (Doc. 134.) On August 1, 2023, Boudreau moved under Federal Rule of Criminal Procedure 34 to vacate the jury's verdict and dismiss for lack of venue and jurisdiction. (Docs. 141, 142.) The government opposes. (Doc. 154.) Because the government's reasoning is persuasive, the motion is denied.

Under Rule 34(a), "the court must arrest judgment if the court does not have jurisdiction of the charged offense." Boudreau's motion fails under this rule for the two reasons identified by the government.

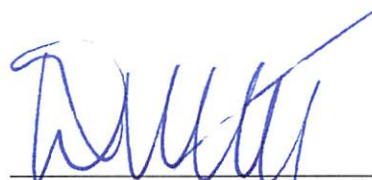
First, though styled as a challenge to jurisdiction, Boudreau's motion actually challenges venue and is therefore untimely. A motion dismiss for improper venue must be made prior to trial "if the basis for the motion is then

reasonably available.” Fed. R. Crim. P. 12(b)(3)(A)(i). Because Boudreau’s venue claims were available to him before trial and he failed to raise them, his venue objection is waived. *See United States v. Ghanem*, 993 F.3d 1113, 1120 (9th Cir. 2021).

Second, to the extent Boudreau raises a jurisdictional argument, he conflates district and division. United States District Courts “have original jurisdiction . . . of all offenses against the laws of the United States,” 18 U.S.C. § 3231, and criminal proceedings are to be held in the district where the offense was committed, *id.* § 3232 (incorporating Fed. R. Crim. P. 18). Because Boudreau’s crimes satisfy both requirements, this Court has jurisdiction over the indicted offenses.

Accordingly, IT IS ORDERED that Boudreau’s motion (Doc. 141) is DENIED.

DATED this 30th day of August, 2023.



Donald W. Molloy, District Judge
United States District Court